

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES MONTE STOGSDILL,

Petitioner,

v.

ROBERT HERZOG,

Respondent.

CASE NO. C12-5195 RJB-JRC

ORDER ADOPTING A REPORT
AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

1. The Court adopts the Report and Recommendation;
2. The petition is dismissed as time barred.
3. Petitioner is not entitled to a Certificate of Appealability.
4. The Clerk is directed to send a copy of this Order to petitioner, and to the Hon. J. Richard Creatura.

DATED this 25th day of September, 2012.



ROBERT J. BRYAN
United States District Judge